IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.545 OF 2007

Ganpati Eknath Mhetar ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.Ganesh Gole Advocate for Applicant
Mr.S.S.Pednekar, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No.120 of 2006 of Shivajinagar Police Station, Ichalkaranji, Dist.Kolhapur. The said case is under Section 302 of IPC.

3. The learned counsel for the applicant has pointed out that the applicant has not assaulted the deceased but it was the co-accused Vaibhav who assaulted deceased and caused his death. He has further pointed out that the incident occurred on

22.9.2006 and Rajendra (deceased) expired on 3.10.2006. He submitted that this shows that the case would not fall under Section 302 of IPC. Looking to these facts and the fact that the applicant has not assaulted the deceased, I am inclined to grant bail to the applicant.

4. The applicant to be released on bail in the sum of Rs.15,000/- (Rs.Fifteen thousand only) with one or two sureties to make up the said amount. The applicant shall report to Shivaji Nagar Police Station, Ichalkaranji once in a week till the conclusion of trial.

5. Application is disposed of.

[V.K.Tahilramani, J.]